jpc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICTION NO. 2104 OF 2005
IN
SECOND APPEAL NO. 150 OF 1994

Mahadeo Vithu Nivale ... Applicant

Versus

Smt. Yashodabai Hari Kodalkar
Since deceased, through LRs.
and others ... Respondents

Mr. G. T. Kanchanpurkar i/by Mr. S. G.deshmukh for the Applicant
None for the Respondents

CORAM: R. M. SAVANT, J.

DATED : 31st March, 2012

P.C. :

1. By order dated 19th January, 2006 passed in the above Civil Application, the Applicant/Appellant was granted one week's time to file decree forms and paper book. Thereafter, the office note indicates that the decree forms and paper book have been filed on 23rd January, 2006. Hence the office objections, on the basis of which the Second Appeal stood dismissed for non prosecution, do not survive. The Civil Application is therefore allowed. Resultantly, the Second Appeal No. 150 of 1994 is restored to file.

2. The Civil Application is accordingly disposed of.

3. Since the Second Appeal is of the year 1994 and the paper book and decree form have already been filed, list the Second Appeal for final hearing in the week commencing from 23rd July, 2012, to be shown on the final hearing board as per chronological order.

(**R. M. SAVANT, J.)**